No. 92-1885

In The

Supreme Court of the United States

October Term, 1993

Supreme Court, U.S.
JUN 24 1993
OFFICE OF THE CLERK

STATE OF ALASKA,

Petitioner,

v.

UNITED STATES OF AMERICA; NATIONAL PARK SERVICE; MANUEL R. LUJAN, in his official capacity as Secretary of the Interior, NATIONAL PARKS AND CONSERVATION ASSOCIATION; ALASKA CENTER FOR THE ENVIRONMENT; SIERRA CLUB; THE WILDERNESS SOCIETY,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

AMICUS BRIEF OF STATES OF CALIFORNIA, IDAHO, MONTANA, NORTH DAKOTA AND WYOMING IN SUPPORT OF PETITIONER

DANIEL E. LUNGREN
Attorney General of the State of California
RODERICK E. WALSTON
Chief Assistant Attorney General
*JAN S. STEVENS
Assistant Attorney General
Office of the Attorney General
1515 K Street, Suite 511
P. O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 327-7853

Counsel for Amicus State of California

*Counsel of Record

(Additional Counsel Listed On Inside Cover)

COCKLE LAW BRIEF PRINTING CO., (800) 225-6964
OR CALL COLLECT (402) 342-2831

BEST AVAILABLE COPY

Larry EcoHawk
Attorney General of Idaho

Joseph P. Mazurek
Attorney General of Montana

Heidi Heitkamp
Attorney General of North Dakota

Joseph B. Meyer
Attorney General of Wyoming
Mary Guthrie
Senior Assistant Attorney General

QUESTIONS PRESENTED

1. Whether states are precluded from representing their residents in *parens patriae* actions against federal agencies.

2. Whether the rule of *Massachusetts v. Mellon* applies only to *parens patriae* actions seeking the invalidation of federal statutes or, more broadly, to actions involving unlawful federal agency action as well.

3. Whether acts of Congress conferring standing on entities adversely affected or aggrieved by federal actions have displaced the court-made rule denying states *parens patriae* standing.

TABLE OF CONTENTS

Page

INTEREST OF AMICI 1

SUMMARY OF ARGUMENT..... 2

I. THE STATES, AS SOVEREIGNS IN THE FEDERAL SYSTEM, SHOULD BE EMPOWERED TO REPRESENT THEIR RESIDENTS IN *PARENS PATRIAE* AGAINST FEDERAL AGENCIES AS WELL AS AGAINST OTHER STATES AND PRIVATE AND PUBLIC ENTITLES 3

A. Tenth Amendment Principles of Federalism Require that Concrete Issues Affecting Residents of a State be Justiciable in *Parens Patriae* Actions Brought by States 3

B. Where *parens patriae* standing has been established, it should be available equally against federal agencies as well as other parties..... 5

1. *Massachusetts v. Mellon* does not compel the denial of *parens patriae* standing to states in cases where other standing requirements have been met..... 5

2. The denial of standing for states to represent their residents in otherwise justiciable controversies lacks rational basis and is inconsistent with our federal system..... 8

C. The *Mellon/Snapp* doctrine has been unevenly applied..... 9

II. THE 1923 *MELLON* CASE DOES NOT, BY ITS TERMS, APPLY TO CHALLENGES OF THE UNLAWFUL ACTIONS OF FEDERAL AGENCIES 11

TABLE OF CONTENTS – Continued

Page

III. THE DECISION BELOW DEPRIVES STATES OF STANDING UNDER FEDERAL STATUTES CLEARLY MEANT TO PROVIDE IT 12

CONCLUSION 13

TABLE OF AUTHORITIES

Page

CASES:

Carey v. Klutznick, 637 F.2d 834 (2d Cir. 1980) 10

Commonwealth of Pennsylvania v. Kleppe, 533 F.2d 668 (D.C. Cir. 1976) 6, 10, 12

Georgia v. Pennsylvania Railroad, 324 U.S. 439 (1945) 7

Georgia v. Tennessee Copper Co., 206 U.S. 230 (1907); see Snapp v. Puerto Rico, 458 U.S. 592 (1982) 1, 4

Government of Guam v. Federal Maritime Commission, 329 F.2d 251 (D.C. Cir. 1964), cert. denied, 385 U.S. 1002 (1965) 13

Iowa v. Block, 771 F.2d 347 (8th Cir. 1985) 9, 12

Kansas v. Colorado, 185 U.S. 125 (1902) 4

Lujan v. Defenders of Wildlife, 505 U.S. ___, 112 S.Ct. 2130 (1992) 11

Maryland People's Counsel v. FERC, 760 F.2d 318 (D.C. Cir. 1985) 9, 10, 11

Massachusetts v. Mellon, 262 U.S. 447 (1923) .3, 5, 6, 12

Missouri v. Holland, 252 U.S. 416 (1920) 3, 8, 9

Missouri v. Illinois, 180 U.S. 208 (1901) 3, 13

Nevada v. Burford, 918 F.2d 854 (9th Cir. 1990), cert. denied, 111 S.Ct. 2052 (1991) 8

New York v. New Jersey, 256 U.S. 296 (1921) 4

New York v. United States, 505 U.S. ___, 112 S.Ct. 2408 (1992) ..... *passim*

Pennsylvania v. West Virginia, 262 U.S. 553 (1923) 4

TABLE OF AUTHORITIES – Continued

Page

People v. Federal Power Commission, 296 F.2d 348 (D.C. Cir. 1961), rev'd on other grounds, California v. Federal Power Commission, 369 U.S. 482 (1962) 13

Snapp v. Puerto Rico, 458 U.S. 492 (1982) ..... *passim*

South Dakota v. Dole, 483 U.S. 203 (1987) 6

State of Florida v. Weinberger, 492 F.2d 488 (5th Cir. 1974) 10

State of Wisconsin v. Federal Power Commission, 205 F.2d 706 (D.C. Cir. 1953), aff'd, Phillips Petroleum Co. v. Wisconsin, 347 U.S. 672 (1954), reh. denied, 348 U.S. 851 (1954) 13

Texas v. White, 7 Wall. 700 (1869), quoted in New York v. United States, 505 U.S. ___, 112 S.Ct. 2408 (1992) 1

Washington Utilities & Transportation Commission v. FCC, 513 F.2d 1142 (9th Cir. 1975) ..... *passim*

STATUTES:

Administrative Procedure Act, 5 U.S.C.A. § 702 (1977) 12

MISCELLANEOUS:

Comment, "The Original Jurisdiction of the United States Supreme Court," 11 Stan. L.Rev. 665 (1959) 8

INTEREST OF AMICI

The doctrine of *parens patriae* is an ancient and well-established one. Nearly 90 years ago, this Court affirmed the principle that the states have an interest independent of proprietary title in "all the earth and air" within their domain, and that they had standing, in their *quasi-sovereign* capacity, to bring actions to protect the physical and economic health and well being of their residents. *Georgia* v. *Tennessee Copper Co.*, 206 U.S. 230, 237 (1907); see *Snapp* v. *Puerto Rico*, 458 U.S. 592, 607 (1982).

The states' interest in defending their residents against *federal* actions that threaten to impinge upon their general interests is no less than their interest in suits brought against other states or private entities. Indeed, in light of the pervasive nature of federal regulation and its impact on the economies and environment of the states,[1] such an interest may be much greater. Nevertheless, the opinion below denies states that standing.

This Court has properly observed that the states are not "mere political subdivisions of the United States," and that "the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National government." *Texas* v. *White*, 7 Wall. 700, 725 (1869), quoted in *New York* v. *United States*, 505 U.S. ___, 112 S.Ct. 2408, 2421

---

[1] Cf. *New York* v. *United States*, 505 U.S. ___, 112 S.Ct. 2408, 2418 (1992): "The Federal Government undertakes activities today that would have been unimaginable to the Framers . . . "

(1992). If that "residuary and inviolable sovereignty"[2] left to the states is to be maintained, they must be able to assert the interests of their residents against federal agencies in federal courts.

SUMMARY OF ARGUMENT

The doctrine of *parens patriae* is the established means by which the states may represent the interests of all their citizens in actions involving their common interests. Under it, states have sued other states and private entities. Yet, under the holding below, while the American Tobacco Association may represent its members in an action against the Food and Drug Administration, a sovereign state may not similarily represent its citizens. And while the Bureau of Reclamation may be held judicially accountable to the members of the American Farm Bureau Federation, the citizens of a sovereign state may not be represented by that state in a challenge to the Bureau's policies, no matter how reprehensible.

The restrictive standing rule applied below raises serious Tenth Amendment problems, because it contravenes this Court's direction that federal impositions upon the states be measured in terms of "[T]he extent to which such . . . laws would impede a state government's responsibility to represent and be accountable to the citizens of

---

[2] The Federalist No. 39, p. 245 (C. Rossiter ed. 1961), quoted in *New York* v. *United States*, 505 U.S. ___, 112 S.Ct. 2408, 2418 (1992).

the State." *New York* v. *United States*, 505 U.S. ___, 112 S.Ct. 2408, 2429 (1992).

The court-made standing rule laid out in *Massachusetts* v. *Mellon*, 262 U.S. 447 (1923) was an alternative holding in a 70 year-old decision. It was inconsistent with earlier decisions of this Court when it came down in 1923. *Missouri* v. *Holland*, 252 U.S. 416, 431 (1920). It is overdue for reconsideration in light of the vastly increased scope of federal actions impacting the states and their residents.

The rule denying states standing in *parens patriae* against federal agencies has been unevenly applied. It is inconsistent with the law of standing as this Court has developed it, and contravenes Congressional directives respecting the reviewability of agency actions.

I

THE STATES, AS SOVEREIGNS IN THE FEDERAL SYSTEM, SHOULD BE EMPOWERED TO REPRESENT THEIR RESIDENTS IN *PARENS PATRIAE* AGAINST FEDERAL AGENCIES AS WELL AS AGAINST OTHER STATES AND PRIVATE AND PUBLIC ENTITIES

A. Tenth Amendment Principles of Federalism Require that Concrete Issues Affecting Residents of a State be Justiciable in *Parens Patriae* Actions Brought by States.

The *parens patriae* doctrine, based as it is on a state's interest in "the well-being of its populace," *Snapp* v. *Puerto Rico*, 458 U.S. 492, 602, (1982), has been characterized in terms of the states' "quasi-sovereign" interest. Its use has long been recognized in actions such as public nuisance, *Missouri* v. *Illinois*, 180 U.S. 208 (1901), water

diversions, *Kansas* v. *Colorado*, 185 U.S. 125 (1902), and water pollution, *New York* v. *New Jersey*, 256 U.S. 296 (1921), as well as cases where the economic welfare of the state is involved. *Pennsylvania* v. *West Virginia*, 262 U.S. 553 (1923).

Parens patriae has often been identified with state sovereignty. As Justice Holmes wrote:

> "[T]he State has an interest independent of and behind the titles of its citizens, in all the earth and air within its domain. It has the last word as to whether its mountains shall be stripped of their forests and its inhabitants shall breathe pure air . . . When the States by their union made the forcible abatement of outside nuisances impossible to each, they did not thereby agree to submit to whatever might be done. They did not renounce the possibility of making reasonable demands on the grounds of their still remaining *quasi*-sovereign interests." *Georgia* v. *Tennessee Copper Co.*, 206 U.S. 230, 237 (1907).

This Court has held that Tenth Amendment analysis requires evaluation of "the strength of federal interests in light of the degree to which such laws would prevent the State from functioning as a sovereign . . . " *New York* v. *United States*, *supra*, 505 U.S. ___, 112 S.Ct. at 2429. The denial of standing below forecloses the possibility of such evaluation.

B. Where *parens patriae* standing has been established, it should be available equally against federal agencies as well as other parties.

The opinion in *Snapp* v. *Puerto Rico*, 458 U.S. 592, 607 (1982) is the principal basis for the decision below denying states standing to bring *parens patriae* actions against federal agencies. In *Snapp*, this Court held that in order to assert a quasi-sovereign interest and thus *parens patriae* standing the state must be (1) vindicating an interest in the physical and economic health and well-being of its residents in general; or (2) asserting its quasi sovereign interest in "not being discriminatorily denied its rightful status within the federal system."

Thus in *Snapp* the Court held that the state has a *parens patriae* interest in securing for its residents certain benefits afforded by federal law (in that case labor laws providing opportunities for domestic employment). However, in a footnote citing *Massachusetts* v. *Mellon*, 262 U.S. 447 (1923), the Court observed: "A State does not have standing as *parens patriae* to bring an action against the Federal Government." *Snapp, supra*, 458 U.S. at 610, n. 16. This dictum has come back to haunt the states in a number of appellate decisions. It is the reason they must turn to this Court in this case.

1. *Massachusetts v. Mellon* does not compel the denial of *parens patriae* standing to states in cases where other standing requirements have been met.

Massachusetts v. *Mellon, supra*, on which the *Snapp* opinion relies, is the most oft-cited case respecting

limitations on State *parens patriae* standing. It dealt with the efforts of Massachusetts to invalidate federal grant-in-aid legislation designed to further maternal and child health. The Court rejected the state's contention that the program improperly invaded its concerns in violation of the Tenth Amendment. The program was a voluntary one, and imposed no improper mandate on states. Cf. *New York* v. *United States, supra; South Dakota* v. *Dole*, 483 U.S. 203, 206 (1987).

But the Court added, as a separate and independent ground, that states lacked *parens patriae* standing to represent the interests of the residents against the federal government:

> "While the State, under some circumstances, may sue in (*parens patriae*) capacity for the protection of its citizens (citation), it is no part of its duty or power to enforce their rights in respect of their relations with the Federal Government. In that field it is the United States, and not the State, which represents them as *parens patriae*."

Massachusetts v. *Mellon, supra*, 262 U.S. at 485-586.

Since then, one appellate court has accurately stated that it is "debatable" whether this Court meant to bar all *parens patriae* suits against the Federal government. *Commonwealth of Pennsylvania* v. *Kleppe*, 533 F.2d 668, 677 (D.C. Cir. 1976). Another held that *Mellon* did not apply to cases in which a state challenged the validity of federal action. *Washington Utilities & Transportation Com'n v. FCC*, 513 F.2d 1142 (9th Cir. 1975).

The *Snapp* court relied on the *Mellon* language, however, in its dictum barring state standing against federal

agencies, and the Ninth Circuit in turn relied on *Snapp* in reversing its earlier position in *Washington Utilities & Transportation Commission* v. *FCC, supra,* and denying Alaska standing in the case now before this Court.

However Justice Brennan, concurring in *Snapp,* urged a broader and more respectful approach toward State *parens patriae* standing:

> "At the *very* least, the prerogative of a State to bring suits in federal court should be commensurate with the ability of private organizations. A private organization may bring suit to vindicate its own concrete interest in performing those activities for which it was formed . . . More significantly, a State is no ordinary litigator. As a sovereign entity, a State is entitled to assess its needs, and decide which concerns of its citizens warrant its protection and intervention. I know of nothing – except the Constitution or overriding federal law – that might lead a federal court to superimpose its judgment for that of a State with respect to the substantiality or legitimacy of a State's assertion of sovereign interest." *Id.* at 611-612.

In *Washington Utilities & Transportation Com'n* v. *FCC,* the court pointed out that the *Mellon* rule applied only where a state sought "to litigate a 'question of distribution of powers between the State and the national government' (citation) and 'protect her citizens from the operation of federal statutes.'" 513 F.2d at 1153, quoting *Georgia* v. *Pennsylvania Railroad,* 324 U.S. 439, 445 (1945). In an action challenging the validity of federal action, the court aptly observed, none of the considerations justifying restrictions on state *parens patriae* standing are involved:

there is no question of original jurisdiction, and the husbanding of this Court's limited resources. There is no threat of circumvention of the Eleventh Amendment. See Comment, "The Original Jurisdiction of the United States Supreme Court," 11 Stan. L.Rev. 665, 674 (1959). Since no damages are sought, there is no risk of duplicating recoveries, and there is no "risk that absent persons will be barred from a remedy otherwise available." *Washington Utilities & Transportation Com'n* v. *F.C.C.*, *supra*, 513 F.2d at 1152-1153.

Only because of the footnoted dictum in *Snapp* did the Ninth Circuit feel compelled to abandon its previous reasoned position and hold that standing was precluded. *Nevada* v. *Burford*, 918 F.2d 854 (9th Cir. 1990), cert. denied, 111 S.Ct. 2052 (1991).

2. The denial of standing for states to represent their residents in otherwise justiciable controversies lacks rational basis and is inconsistent with our federal system.

Although this Court has time and again affirmed the interests of states in bringing *parens patriae* actions against other states, local governments and private entities on behalf of their citizens, states' standing in that capacity to challenge the actions of *federal* agencies has been summarily found lacking in a number of recent lower court decisions. This rule, based on a dictum in *Snapp* v. *Puerto Rico*, *supra*, 458 U.S. at 610, n. 16 and this Court's alternative holding in *Massachusetts* v. *Mellon*, *supra*, has no bright lines. Standing has been expressly or tacitly recognized in many cases in which the *Mellon* holding might have been applied. E.g., *Missouri* v. *Holland*, 252 U.S. 416

(1920) (State *parens patriae* claims asserted against U.S.)[3]; *Washington Utilities & Transporation Com'n* v. *FCC*, *supra*, 513 F.2d at 1152, n. 13 and cases cited therein.

C. The *Mellon/Snapp* doctrine has been unevenly applied.

When federal actions affecting the vital economic interests of states have been involved, the standing of states to challenge those actions has been analyzed both in terms of standing of states per se, and of states as *parens patriae*. Denial of *parens patriae* standing would require states to rely on their standing as states, or upon federal statutes conferring *parens patriae* standing on them. Cf. *Maryland People's Counsel* v. *FERC*, *supra*, 760 F.2d 318, 321-322 (D.C.Cir. 1985). This would severely handicap states' ability to represent the interests of their residents, and lead to increasing efforts by private interests to seek judicial review of public issues better raised by states.

The distinction between standing of states as states and their standing in *parens patriae* leads to irrational results. For example, the courts have characterized the unlawful withdrawal of federal assistance resulting in unemployment and decreased state tax revenues as a "generalized grievance," not cognizable for purposes of standing. *Iowa* v. *Block*, 771 F.2d 347, 353 (8th Cir. 1985);

---

[3] *Missouri v Holland* was characterized in *Mellon* as a case involving an asserted "invasion. . . . of the quasi-sovereign right of the State to regulate the taking of wild game within its borders." Id, 262 U.S. at 482.

Commonwealth of Pennsylvania v. *Kleppe*, 533 F.2d 668 (D.C. Cir.), *cert. den.*, 429 U.S. 977 (1976). On the other hand, a state clearly could bring a *parens patriae* action for this purpose. *Maryland People's Counsel* v. *FERC*, *supra*, 760 F.2d at 321.

Thus the law of state standing is fragmented into a crazy quilt of cases falling into a series of categories depending on the nature of the grievance asserted: 1) a state may have sufficient standing as a state to bring an action; 2) the state may have been expressly authorized by Congress to sue, cf. *Maryland People's Counsel* v. *FERC*, *supra*, 760 F.2d at 321-322; 3) what is actually a *parens patriae* case may have gone unchallenged and tacitly recognized. E.g., *New York* v. *United States*, 331 U.S. 284 (1947); *State of Florida* v. *Weinberger*, 492 F.2d 488, 493-94 (5th Cir. 1974); or 4) the Court has expressly permitted a *parens patriae* action against a federal agency, *Carey* v. *Klutznick*, 637 F.2d 834, 838 (2d Cir. 1980); *Washington Utilities and Transportation Commission* v. *FCC*, 513 F.2d 1142, 1145-46 (9th Cir. 1975), cert. den., 422 U.S. 836 (1975).

The court-made restriction on *parens patriae* standing has been unevenly applied at best. It is inconsistent with the rules of standing adopted by Congress in many specific instances, and with this Court's standards of justiciability. It makes little sense to hold today that while a trade association or political party may have standing to represent the interests of its members, a sovereign state cannot vindicate those same interests on behalf of its residents.

II

THE 1923 *MELLON* CASE DOES NOT, BY ITS TERMS, APPLY TO CHALLENGES TO THE UNLAWFUL ACTIONS OF FEDERAL AGENCIES.

As the Ninth Circuit Court observed before it felt compelled to rule otherwise by *Snapp's* dictum, *Massachusetts* v. *Mellon* dealt with a state's effort to invalidate a federal maternal and child health grant-in-aid law on behalf of its citizens. There, this Court held that inasmuch as the rights of residents as United States citizens were involved, the federal, rather than state government, was the proper *parens patriae.*

The underlying rationale of *Mellon* is that the doctrine will not lie to exclude state citizens from the operation of federal laws, or to redefine the relationship of state citizens with the federal government. Where, as here, the state relies on the federal statute and seeks to carry out Congress' will, the protection of that federal law should extend to the residents of states as well as to any other body of individuals.

Recognition of the *parens patriae* standing of states against federal agencies would in no way impinge upon traditional standards of justiciability. The *Mellon* rule is based on what this Court has characterized as the "prudential," rather than the "core component" of standing. *Lujan* v. *Defenders of Wildlife,* 505 U.S. ___, 112 S.Ct. 2130 (1992). Only those actions involving concrete interests would lie. *Maryland People's Counsel* v. *FERC,* 760 F.2d 318, 321-322 (D.C. Cir. 1985).

The rationale behind the broad, albeit oft-unobserved *Mellon* theory is difficult to follow. It has been characterized as consideration for the "general supervisory aspect of federal law and to the basic interests of federalism," reduced most basically to "the avoidance of state interference with the exercise of federal process." *Iowa* v. *Block, supra,* 771 F.2d at 355, quoting *Commonwealth of Pennsylvania* v. *Kleppe, supra,* 533 F.2d at 677-78. Thus, the *Iowa* court concluded, to permit that State to proceed as *parens patriae* against the Secretary of Agriculture seeking implementation of federal disaster programs would "intrude on the sovereignty of the federal government and ignore important considerations of our federalist system." *Iowa* v. *Block, supra,* 771 F.2d at 355. Ignored in this analysis is consideration of the role of states in the federal system. As this Court has observed, *parens patriae* is the means by which a state protects its interest "that the benefits of the federal system are not denied to its general population." *Snapp v. Puerto Rico,* 458 U.S. at 608.

III

THE DECISION BELOW DEPRIVES STATES OF STANDING UNDER FEDERAL STATUTES CLEARLY MEANT TO PROVIDE IT

Alaska's claim for relief was based in part on the federal Administrative Procedure Act, which provides that "[A] person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof." 5 U.S.C.A. § 702 (1977). This provision has often been applied to permit actions which appear to be *parens patriae* in nature, brought as the result

of federal agency decisions. E.g., *Government of Guam v. Federal Maritime Commission*, 329 F.2d 251, 252-253 (D.C. Cir. 1964), *cert. denied*, 385 U.S. 1002 (1965); *People v. Federal Power Commission*, 296 F.2d 348 (D.C. Cir. 1961), *rev'd on other grounds, California v. Federal Power Commission*, 369 U.S. 482 (1962). See also, *State of Wisconsin v. Federal Power Commission*, 205 F.2d 706 (D.C. Cir. 1953), *aff'd, Phillips Petroleum Co. v. Wisconsin*, 347 U.S. 672 (1954), *reh. denied*, 348 U.S. 851 (1954). Thus the holding below has the novel effect of thwarting the intent of Congress by court-made rule.

CONCLUSION

Under the law as construed below, a state may defend the interests of its residents in "all of the earth and air within its domain" against injuries threatened by other states, by public entities, and by corporations, associations and individuals, but it lacks the power to seek judicial vindication of similar wrongs wrought by federal agencies.

The proper working of our federal system requires that the states, having surrendered "diplomatic powers and the right to make war" to the federal government,[4] must have a remedy in federal court to protect their quasi-sovereign interests. After all, if a federal statute, to withstand Tenth Amendment challenge, must leave to the residents of a state "the ultimate decision as to whether or not the State will comply," *New York* v. *United States*, 112 S.Ct. at 2424, there is no valid reason to make this

[4] *Missouri* v. *Illinois*, 180 U.S. 208, 241 (1901).

doctrine available against all the world *except* an agency whose organic law happens to come from the District of Columbia rather than Delaware.

Respectfully Submitted,

DANIEL E. LUNGREN
Attorney General of the State of California
RODERICK E. WALSTON
Chief Assistant Attorney General
*JAN S. STEVENS
Assistant Attorney General

Counsel for Amicus State of California

LARRY ECOHAWK
Attorney General of Idaho

JOSEPH P. MAZUREK
Attorney General of Montana

HEIDI HEITKAMP
Attorney General of North Dakota

JOSEPH B. MEYER
Attorney General of Wyoming
MARY GUTHRIE
Senior Assistant Attorney General

*Counsel of Record